

3/14/19

4:42 p.m.

Chapter No. 308
19/HR43/R71
EW 1 FF

HOUSE BILL NO. 654

Originated in House



Clerk

HOUSE BILL NO. 654

AN ACT TO AMEND SECTIONS 37-5-9 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN A CONTEST FOR OFFICE OF BOARD OF EDUCATION TRUSTEES, THE PERSON IN EACH RESPECTIVE SUPERVISORS DISTRICT WHO RECEIVES THE MAJORITY OF VOTES CAST FOR THE POSITION SOUGHT SHALL BE DECLARED THE WINNER; TO PROVIDE FOR A RUNOFF BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES IN INSTANCES WHERE NEITHER CANDIDATE RECEIVES THE MAJORITY OF VOTES CAST IN THE ELECTION; TO PROVIDE THAT THE RUNOFF ELECTION SHALL OCCUR THREE WEEKS AFTER THE FIRST ELECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each

supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such supervisors district. The candidate in each supervisors district who receives the * * * majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the * * * majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

SECTION 2. Section 37-7-711, Mississippi Code of 1972, is amended as follows:

37-7-711. In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county. Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors in said area. * * * However, * * * in any such special municipal separate school district which embraces the

entire county and which borders the Mississippi River and in which Interstate Highway 20 and United States Highway 61 intersect and having a population in excess of forty-seven thousand (47,000) according to the 1990 federal decennial census, the candidate shall be required to file a petition of nomination with the county election commissioners not less than sixty (60) days prior to the date of such general election, in addition to the other requirements prescribed herein.


The candidate in each election who receives the * * * majority of votes cast in the election shall be declared to have been elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 11, 2019


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 6, 2019


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

March 14, 2019
4:42 pm